

AMENDED IN ASSEMBLY AUGUST 14, 2006

AMENDED IN ASSEMBLY JUNE 29, 2006

AMENDED IN SENATE APRIL 26, 2006

**SENATE BILL**

**No. 1802**

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**Introduced by Senator Ducheny**  
(Coauthor: Assembly Member Salinas)

February 24, 2006

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An act to amend Sections 17021.6, 18214, and 18862.39 of the Health and Safety Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

SB 1802, as amended, Ducheny. Farmworker housing.

(1) The Employee Housing Act deems employee housing consisting of no more than 12 beds in a group quarters or 12 units or spaces designed for use by a single family or household, an agricultural land use for designated purposes.

This bill would revise this number to no more than 36 beds in a group quarters or 12 units or spaces, as specified above. By increasing the duties of local public officials, the bill would impose a state-mandated local program.

(2) Existing law prohibits an area or tract of land zoned for agricultural purposes where 2 or more lots are rented, leased, or held out for rent or lease to accommodate owners or users of 12 or fewer recreational, manufactured homes, or mobilehomes from being deemed a recreational vehicle park or mobilehome park.

This bill would extend this prohibition to ~~an area or tract of land zoned for agricultural purposes where 2 or more lots are rented, leased, or held out for rent or lease to accommodate manufactured~~

~~homes, mobilehomes, or recreational vehicles used as agricultural employee housing and consisting of no more than 36 beds in a group quarters~~ *employee housing that obtains a permit to operate pursuant to the Employee Housing Act, meets criteria specified in that act, and is comprised of 2 or more lots or units held out for lease or rent or provided as a term or condition of employment.*

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 17021.6 of the Health and Safety Code  
2 is amended to read:  
3 17021.6. (a) The owner of any employee housing who has  
4 qualified or intends to qualify for a permit to operate pursuant to  
5 this part may invoke this section.  
6 (b) Any employee housing consisting of no more than 36 beds  
7 in a group quarters or 12 units or spaces designed for use by a  
8 ~~single~~ *single* family or household shall be deemed an agricultural  
9 land use designation for the purposes of this section. For the  
10 purpose of all local ordinances, employee housing shall not be  
11 deemed a use that implies that the employee housing is an  
12 activity that differs in any other way from an agricultural use. No  
13 conditional use permit, zoning variance, or other zoning  
14 clearance shall be required of this employee housing that is not  
15 required of any other agricultural activity in the same zone. The  
16 permitted occupancy in employee housing in an agricultural zone  
17 shall include agricultural employees who do not work on the  
18 property where the employee housing is located.  
19 (c) Except as otherwise provided in this part, employee  
20 housing consisting of no more than 36 beds in a group quarters or  
21 12 units or spaces designed for use by a single family or

1 household shall not be subject to any business taxes, local  
2 registration fees, use permit fees, or other fees to which other  
3 agricultural activities in the same zone are not likewise subject.  
4 This subdivision does not forbid the imposition of local property  
5 taxes, fees for water services and garbage collection, fees for  
6 normal inspections, local bond assessments, and other fees,  
7 charges, and assessments to which other agricultural activities in  
8 the same zone are likewise subject. Neither the State Fire  
9 Marshal nor any local public entity shall charge any fee to the  
10 owner, operator, or any resident for enforcing fire inspection  
11 regulation pursuant to state law or regulations or local ordinance,  
12 with respect to employee housing consisting of no more than 36  
13 beds in a group quarters or 12 units or spaces designed for use by  
14 a single family or household.

15 (d) For the purposes of any contract, deed, or covenant for the  
16 transfer of real property, employee housing consisting of no more  
17 than 36 beds in a group quarters or 12 units or spaces designed  
18 for use by a single family or household shall be considered an  
19 agricultural use of property, notwithstanding any disclaimers to  
20 the contrary. For purposes of this section, “employee housing”  
21 includes employee housing defined in subdivision (b) of Section  
22 17008, even if the housing accommodations or property are not  
23 located in a rural area, as defined by Section 50101.

24 (e) The Legislature hereby declares that it is the policy of this  
25 state that each county and city shall permit and encourage the  
26 development and use of sufficient numbers and types of  
27 employee housing facilities as are commensurate with local need.  
28 This section shall apply equally to any charter city, general law  
29 city, county, city and county, district, and any other local public  
30 entity.

31 (f) If any owner who invokes the provisions of this section  
32 fails to maintain a permit to operate pursuant to this part  
33 throughout the first 10 consecutive years following the issuance  
34 of the original certificate of occupancy, both of the following  
35 shall occur:

36 (1) The enforcement agency shall notify the appropriate local  
37 government entity.

38 (2) The public agency that has waived any taxes, fees,  
39 assessments, or charges for employee housing pursuant to this  
40 section may recover the amount of those taxes, fees, assessments,

1 or charges from the landowner, less 10 percent of that amount for  
2 each year that a valid permit has been maintained.

3 (g) Subdivision (f) shall not apply to an owner of any  
4 prospective, planned, or unfinished employee housing facility  
5 who has applied to the appropriate state and local public entities  
6 for a permit to construct or operate pursuant to this part prior to  
7 January 1, 1996.

8 SEC. 2. Section 18214 of the Health and Safety Code is  
9 amended to read:

10 18214. (a) "Mobilehome park" is any area or tract of land  
11 where two or more lots are rented or leased, held out for rent or  
12 lease, or were formerly held out for rent or lease and later  
13 converted to a subdivision, cooperative, condominium, or other  
14 form of resident ownership, to accommodate manufactured  
15 homes, mobilehomes, or recreational vehicles used for human  
16 habitation. The rental paid for a manufactured home, a  
17 mobilehome, or a recreational vehicle shall be deemed to include  
18 rental for the lot it occupies. This subdivision shall not be  
19 construed to authorize the rental of a mobilehome park space for  
20 the accommodation of a recreational vehicle in violation of  
21 Section 798.22 of the Civil Code.

22 (b) Notwithstanding subdivision (a), ~~an area or tract of land~~  
23 ~~zoned for agricultural purposes where two or more lots are rented~~  
24 ~~or leased, held out for rent or lease, or provided as a term or~~  
25 ~~condition of employment, to accommodate 12 or fewer~~  
26 ~~manufactured homes, mobilehomes, or recreational vehicles used~~  
27 ~~for the purpose of housing agricultural employees, or to~~  
28 ~~accommodate manufactured homes, mobilehomes, or~~  
29 ~~recreational vehicles used as employee agricultural housing and~~  
30 ~~consisting of no more than 36 beds in a group quarters, shall not~~  
31 *employee housing that has obtained a permit to operate pursuant*  
32 *to the Employee Housing Act (Part 1 (commencing with Section*  
33 *17000)) and that both meets the criteria of Section 17021.6 and*  
34 *is comprised of two or more lots or units held out for lease or*  
35 *rent or provided as a term or condition of employment shall not*  
36 be deemed a mobilehome park for the purposes of the  
37 requirement to obtain an initial or annual permit to operate or pay  
38 any related fees required by this part.

39 (c) Notwithstanding subdivision (a), an area or tract of land  
40 shall not be deemed a mobilehome park if the structures on it

1 consist of residential structures that are rented or leased, or held  
2 out for rent or lease, if those residential structures meet both of  
3 the following requirements:

4 (1) The residential structures are manufactured homes  
5 constructed pursuant to the National Manufactured Housing  
6 Construction and Safety Act of 1974 (42 U.S.C. Sec. 5401 et  
7 seq.) or mobilehomes containing two or more dwelling units for  
8 human habitation.

9 (2) Those manufactured homes or mobilehomes have been  
10 approved by a city, county, or city and county pursuant to  
11 subdivision (d) of Section 17951 as an alternate which is at least  
12 the equivalent to the requirements prescribed in the California  
13 Building Standards Code or Part 1.5 (commencing with Section  
14 17910) in performance, safety, and for the protection of life and  
15 health.

16 SEC. 3. Section 18862.39 of the Health and Safety Code is  
17 amended to read:

18 18862.39. (a) "Recreational vehicle park" is any area or tract  
19 of land, or a separate designated section within a mobilehome  
20 park where two or more lots are rented, leased, or held out for  
21 rent or lease, or were formerly held out for rent or lease and later  
22 converted to a subdivision, cooperative, condominium, or other  
23 form of resident ownership, to accommodate owners or users of  
24 recreational vehicles, camping cabins, or tents.

25 (b) ~~Notwithstanding subdivision (a), an area or tract of land~~  
26 ~~zoned for agricultural purposes where two or more lots are~~  
27 ~~rented, leased, or held out for rent or lease to accommodate~~  
28 ~~owners or users of 12 or fewer recreational vehicles for the~~  
29 ~~purpose of housing agricultural employees, or to accommodate~~  
30 ~~recreational vehicles used as agricultural employee housing and~~  
31 ~~consisting of no more than 36 beds in a group quarters, shall not~~  
32 ~~employee housing that has obtained a permit to operate pursuant~~  
33 ~~to the Employee Housing Act (Part 1 (commencing with Section~~  
34 ~~17000)) and that both meets the criteria of Section 17021.6 and~~  
35 ~~is comprised of two or more lots or units held out for lease or~~  
36 ~~rent or provided as a term or condition of employment shall not~~  
37 be deemed a recreational vehicle park for the purposes of the  
38 requirement to obtain an initial or annual permit to operate or pay  
39 any fees related thereto required by this part.

1     SEC. 4. If the Commission on State Mandates determines that  
2     this act contains costs mandated by the state, reimbursement to  
3     local agencies and school districts for those costs shall be made  
4     pursuant to Part 7 (commencing with Section 17500) of Division  
5     4 of Title 2 of the Government Code.

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